

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101

SUBJECT: Resolution
DG 8-1-02 ICE Plat, 12451 Orange Drive/Generally located on the Northwest corner of Flamingo Road and Orange Drive.

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ICE PLAT", AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: Petitioner is requesting to amend the restrictive note on the "ICE Plat" (165-21) from "this plat is restricted to 110,000 square feet of commercial use on Parcel A-1, 100,000 square feet of commercial use on Parcel A-2; and 90,000 square feet of commercial use on Parcel A-3" to "this plat is restricted to 110,000 square feet of commercial use on Parcel A-1, 100,000 square feet of mini-warehouse use on Parcel A-2; and 90,000 square feet of commercial use on Parcel A-3".

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site and has no objection to the request.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: None

RECOMMENDATION: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachments: Resolution, Planning Report, Plat, Future Land Use Map, Subject site Zoning and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ICE PLAT", AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as ICE Plat was recorded in the public records of Broward County in Plat Book 165, Page 21; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the ICE Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2002.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2002.

Application #: DG 8-1-02/ICE Plat
Exhibit "A"

Revisions:
Original Report Date: 8/14/2002

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

<u>Owner:</u>	<u>Agent:</u>
Name: Barry Goldstein Olympia Mortgage Corporation	Name: Ruden, McClosky, Smith Schuster & Russell, P.A.
Address: 1413 Avenue J	Address: 200 East Broward Boulevard
City: Brooklyn, NY 11230	City: Fort Lauderdale, FL 33302
Phone: (800) 888-5280	Phone: (954) 761-2913

BACKGROUND INFORMATION

Application History: No deferrals have been requested.

Application Request: Petitioner is requesting to amend the restrictive note on the "ICE Plat" (165-21) from "this plat is restricted to 110,000 square feet of commercial use on Parcel A-1, 100,000 square feet of commercial use on Parcel A-2; and 90,000 square feet of commercial use on Parcel A-3" to "this plat is restricted to 110,000 square feet of commercial use on Parcel A-1, 100,000 square feet of mini-warehouse use on Parcel A-2; and 90,000 square feet of commercial use on Parcel A-3".

Address/Location: 12451 Orange Drive/Generally located on the northwest side of Flamingo Road and Orange Drive.

Future Land Use Plan Designation: Commercial

Zoning: B-3, Planned Business District

Existing Use: 66,057 square foot office complex, previously approved projects consist of a 7,050 square foot convenience store with gas sales and 23,245 square foot retail building with a restaurant.

Proposed Use: 100,000 square feet of mini-warehouse use on Parcel A-2

Parcel Size: 27.499 acres (1,197,859 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land</u>
North:	Vacant Land	<u>Use Plan Designation:</u>
South:	Orange Drive/South New River Canal	Residential (1 du/ac)
East:	Vacant Land and Flamingo Road	Commercial
West:	Vacant Land	Commercial
		Residential (1 du/ac)

Surrounding Zoning:
North: A-1, Agricultural District
South: B-3, Planned Business District
East: B-3, Planned Business District
West: A-1, Agricultural District

ZONING HISTORY

Related Zoning History: This parcel is subject to a 1995 Settlement Agreement commonly referred to as the “Pasadena Imagination Farms” and “ICW” Agreement.

Previous Request on same property: The subject plat was recorded by Broward County on February 7, 1991, Plat Book 147, Page 3 of the Broward County records.

Town Council approved a plat amendment by Resolution No. 97-277 which proposed revisions to certain openings and associated turn lane configurations on August 20, 1997.

Town Council approved a plat amendment by Resolution No. 99-279 which proposed to revise the restrictive note associated with the plat on September 1, 1999.

Town Council approved a plat amendment by Resolution No. 99-359 which proposed revisions to certain openings on December 1, 1999.

Town Council approved a site development plan to construct a 28 acre joint venture master plan designed for office/retail use on March 15, 2000.

Town Council approved a delegation request by Resolution No. 2001-345 which proposed to revise the restrictive note associated with the plat on December 4, 2001.

Town Council approved a site development plan to construct a 91,061 square foot mini-warehouse on March 19, 2002.

APPLICATION DETAILS

Petitioner is requesting to amend the restrictive note on the “ICE Plat” (165-21) to reflect proposed level of development.

Current Plat Note: This plat is restricted to 110,000 square feet of commercial use on Parcel A-1, 100,000 square feet of commercial use on Parcel A-2; and 90,000 square feet of commercial use on Parcel A-3.

Proposed Plat Note: This plat is restricted to 110,000 square feet of commercial use on Parcel A-1, 100,000 square feet of mini-warehouse use on Parcel A-2; and 90,000 square feet of commercial use on Parcel A-3.

Applicable Codes and Ordinances

The effective code of ordinances governing this project is the Town of Davie Land Development Code.

Significant Development Review Agency Comments

Broward County Development Management Division is the County lead agency in assessing the impact of development through the plat and/or delegation request process. Broward County requires that the petitioner request to amend or revise the level of approved development on the plat. Such requests must be approved by the local municipality and County Commission, and then subsequently recorded against the plat. As part of the delegation request process, the property would be reviewed for traffic concurrency and assessed any additional traffic impact fees, or mitigation measures, as applicable.

Comprehensive Plan Considerations

Planning Area: Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Flexibility Zone: The subject site falls within Flexibility Zone 113.

Broward County Land Development Code: The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Concurrency Considerations: A Traffic Concurrency Agreement was recorded on February 13, 1997 and an amendment was recorded on January 6, 1998.

Applicable Goals, Objectives & Policies: The proposed plat is generally consistent with the goals, objectives and policies of the Comprehensive Plan.

Staff Analysis/Findings of Fact

The proposed amendment is consistent with the existing and proposed use of the subject site. The proposed amendment requests the same square footage on Parcel A-2 (100,000 square feet) with a change in use from commercial to mini-warehouse. An administrative appeal regarding the ICE Plat's vested rights dated June 21, 2001 was granted making mini-warehouse a permitted use on the site. Staff has no objection to the request.

Staff Recommendation

Recommendation: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Exhibits

1. Justification letter
2. Plat
3. Future Land Use Map
4. Subject Site, Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

JUSTIFICATION RELATING TO PLAT NOTE AMENDMENT

The ICE Plat ("Plat") is generally located at the northwest corner of Orange Drive and Flamingo Road in the Town of Davie. The current approved note on the Plat parcelizes the Plat as follows:

This Plat is restricted to 110,000 square feet of commercial use on Parcel A-1 (see attached legal description); 100,000 square feet of commercial use on Parcel A-2 (see attached legal description); and 90,000 square feet of commercial use on Parcel A-3 (see attached legal description).

Applicant seeks to revise the foregoing note, to read:

This Plat is restricted to 110,000 square feet of commercial use on Parcel A-1 (see attached legal description); 100,000 square feet of mini-warehouse use on Parcel A-2 (see attached legal description); and 90,000 square feet of commercial use on Parcel A-3 (see attached legal description).

This amendment is requested in connection with Applicant's development of self-storage facilities on Parcel A-2. Importantly, the traffic generation rates applicable to mini-warehouse uses are significantly lower than those that apply to commercial uses.

EXHIBIT "A"
(Page 2 of 5)

PARCEL A-1

DESCRIPTION :

A PORTION OF PARCEL 'A' OF "ICE PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 165, PAGE 21 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
BEGIN AT THE NORTHWEST CORNER OF SAID PARCEL 'A'; THENCE ALONG THE NORTH BOUNDARY OF SAID PARCEL 'A', NORTH 88°26'14" EAST 809.04 FEET; THENCE SOUTH 01°47'01" EAST 628.00 FEET; THENCE NORTH 88°26'14" EAST 62.04 FEET; THENCE SOUTH 01°33'46" EAST 292.00 FEET; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL 'A', SOUTH 88°26'14" WEST 869.95 FEET; THENCE ALONG THE WEST BOUNDARY OF SAID PARCEL 'A', NORTH 01°47'01" WEST 920.00 FEET TO THE POINT OF BEGINNING.
SAID LANDS SITUATE, LYING, AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 762259 SQUARE FEET (17.499 ACRES) MORE OR LESS.

EXHIBIT "A"

(Page 3 of 5)

PARCEL A-2

A portion of Parcel A, ICE PLAT, according to the plat thereof as recorded in Plat Book 165, Page 21 of the Public Records of Broward County, Florida, being more particularly described as follows:

COMMENCE at the East one-quarter (E $\frac{1}{4}$) corner of Section 26, Township 50 South, Range 40 East;

THENCE South $89^{\circ}43'56''$ West on the South line of the Northeast one-quarter (NE $\frac{1}{4}$) of said Section 26, a distance of 320.04 feet to the POINT OF BEGINNING;

THENCE South $01^{\circ}47'20''$ East 125.83 feet;

THENCE South $06^{\circ}11'48''$ West 2.30 feet;

THENCE South $88^{\circ}12'40''$ West 87.12 feet to the beginning of a tangent curve concave to the South;

THENCE Westerly on the arc of said curve having a radius of 205.00 feet, through a central angle of $32^{\circ}41'44''$ an arc distance of 116.98 feet to a point of tangency;

THENCE South $55^{\circ}30'56''$ West 86.60 feet;

THENCE North $01^{\circ}47'01''$ West 593.35 feet to the intersection with the North line of said Parcel A, ICE PLAT;

THENCE North $88^{\circ}26'14''$ East on said North line of Parcel A, ICE PLAT, a distance of 271.00 feet;

THENCE South $01^{\circ}47'20''$ East 384.91 feet to the POINT OF BEGINNING.

Said lands lying in the Town of Davie, Broward County, Florida and containing 144415 square feet (3.315 acres) more or less.

EXHIBIT "A"

(Page 4 of 5)

PARCEL A-3

A PORTION OF PARCEL "A" OF "ICE PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 165, PAGE 21 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID PARCEL "A"; THENCE ALONG THE NORTH BOUNDARY OF SAID PARCEL "A" NORTH 88°26'14" EAST 809.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH BOUNDARY, NORTH 88°26'14" EAST 540.96 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE ALONG THE EASTERLY BOUNDARY OF SAID PARCEL "A" THE FOLLOWING THREE (3) COURSES: (1) SOUTH 01°47'01" EAST 650.19 FEET; (2) SOUTH 88°12'59" WEST 150.00 FEET; (3) SOUTH 01°47'01" EAST 265.09 FEET; THENCE ALONG THE SOUTH BOUNDARY OF SAID PARCEL "A", NORTH 84°40'15" WEST 65.51 FEET; THENCE CONTINUE ALONG SAID SOUTH BOUNDARY, SOUTH 88°26'14" WEST 265.00 FEET; THENCE NORTH 01°33'46" WEST 280.00 FEET; THENCE SOUTH 88°26'14" WEST 62.04 FEET; THENCE NORTH 01°47'01" WEST 628.00 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATE, LYING, AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 435599 SQUARE FEET (10.000 ACRES) MORE OR LESS.

LESS

A portion of Parcel "A", ICE PLAT, according to the plat thereof as recorded in Plat Book 165, Page 21 of the Public Records of Broward County, Florida, being more particularly described as follows:

BEGINNING at the Southerly most, Southeast corner of said Parcel "A";

THENCE North 84°40'15" West on the northerly line of an existing turn lane as dedicated by said ICE PLAT, a distance of 65.51 feet;

THENCE North 88°26'14" East on a line 12.00 feet North of and parallel with the South line of said ICE PLAT, a distance of 65.00 feet to the intersection with the Easterly line of said Parcel "A";

THENCE South 01°47'01" East on said Easterly line of Parcel "A", a distance of 7.86 feet to the POINT OF BEGINNING;

Said lands lying in the Town of Davie, Broward County, Florida and containing 255 square feet more or less.

EXHIBIT "A"
(Page 5 of 5)

PARCEL A-3 Contd.

AND LESS

A portion of Parcel A, ICE PLAT, according to the plat thereof as recorded in Plat Book 165, Page 21 of the Public Records of Broward County, Florida, being more particularly described as follows:

COMMENCE at the East one-quarter (E $\frac{1}{4}$) corner of Section 26, Township 50 South, Range 40 East;

THENCE South $89^{\circ}43'56''$ West on the South line of the Northeast one-quarter (NE $\frac{1}{4}$) of said Section 26, a distance of 320.04 feet to the POINT OF BEGINNING;

THENCE South $01^{\circ}47'20''$ East 125.83 feet;

THENCE South $06^{\circ}11'48''$ West 2.30 feet;

THENCE South $88^{\circ}12'40''$ West 87.12 feet to the beginning of a tangent curve concave to the South;

THENCE Westerly on the arc of said curve having a radius of 205.00 feet, through a central angle of $32^{\circ}41'44''$ an arc distance of 116.98 feet to a point of tangency;

THENCE South $55^{\circ}30'56''$ West 86.60 feet;

THENCE North $01^{\circ}47'01''$ West 593.35 feet to the intersection with the North line of said Parcel A, ICE PLAT;

THENCE North $88^{\circ}26'14''$ East on said North line of Parcel A, ICE PLAT, a distance of 271.00 feet;

THENCE South $01^{\circ}47'20''$ East 384.91 feet to the POINT OF BEGINNING.

Said lands lying in the Town of Davie, Broward County, Florida and containing 144415 square feet (3.315 acres) more or less.

EXHIBIT "B"

(Page 2 of 5)

PARCEL A-1

DESCRIPTION :

A PORTION OF PARCEL 'A' OF "ICE PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 165, PAGE 21 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
BEGIN AT THE NORTHWEST CORNER OF SAID PARCEL 'A'; THENCE ALONG THE NORTH BOUNDARY OF SAID PARCEL 'A', NORTH 88°26'14" EAST 809.04 FEET; THENCE SOUTH 01°47'01" EAST 628.00 FEET; THENCE NORTH 88°26'14" EAST 62.04 FEET; THENCE SOUTH 01°33'46" EAST 292.00 FEET; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL 'A', SOUTH 88°26'14" WEST 868.95 FEET; THENCE ALONG THE WEST BOUNDARY OF SAID PARCEL 'A', NORTH 01°47'01" WEST 920.00 FEET TO THE POINT OF BEGINNING.
SAID LANDS SITUATE, LYING, AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 762259 SQUARE FEET (17.499 ACRES) MORE OR LESS.

EXHIBIT "B"
(Page 3 of 5)

PARCEL A-2

A portion of Parcel A, ICE PLAT, according to the plat thereof as recorded in Plat Book 165, Page 21 of the Public Records of Broward County, Florida, being more particularly described as follows:

COMMENCE at the East one-quarter (E $\frac{1}{4}$) corner of Section 26, Township 50 South, Range 40 East;

THENCE South $89^{\circ}43'56''$ West on the South line of the Northeast one-quarter (NE $\frac{1}{4}$) of said Section 26, a distance of 320.04 feet to the POINT OF BEGINNING;

THENCE South $01^{\circ}47'20''$ East 125.83 feet;

THENCE South $06^{\circ}11'48''$ West 2.30 feet;

THENCE South $88^{\circ}12'40''$ West 87.12 feet to the beginning of a tangent curve concave to the South;

THENCE Westerly on the arc of said curve having a radius of 205.00 feet, through a central angle of $32^{\circ}41'44''$ an arc distance of 116.98 feet to a point of tangency;

THENCE South $55^{\circ}30'56''$ West 86.60 feet;

THENCE North $01^{\circ}47'01''$ West 593.35 feet to the intersection with the North line of said Parcel A, ICE PLAT;

THENCE North $88^{\circ}26'14''$ East on said North line of Parcel A, ICE PLAT, a distance of 271.00 feet;

THENCE South $01^{\circ}47'20''$ East 384.91 feet to the POINT OF BEGINNING.

Said lands lying in the Town of Davie, Broward County, Florida and containing 144415 square feet (3.315 acres) more or less.

EXHIBIT "B"

(Page 4 of 5)

PARCEL A-3

A PORTION OF PARCEL 'A' OF "ICE PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 165, PAGE 21 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID PARCEL 'A'; THENCE ALONG THE NORTH BOUNDARY OF SAID PARCEL 'A' NORTH 88°26'14" EAST 809.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH BOUNDARY NORTH 88°26'14" EAST 540.96 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 'A'; THENCE ALONG THE EASTERLY BOUNDARY OF SAID PARCEL 'A' THE FOLLOWING THREE (3) COURSES: (1) SOUTH 01°47'01" EAST 850.18 FEET; (2) SOUTH 88°12'59" WEST 150.00 FEET; (3) SOUTH 01°47'01" EAST 265.09 FEET; THENCE ALONG THE SOUTH BOUNDARY OF SAID PARCEL 'A' NORTH 84°40'15" WEST 65.51 FEET; THENCE CONTINUE ALONG SAID SOUTH BOUNDARY, SOUTH 88°26'14" WEST 265.00 FEET; THENCE NORTH 01°33'46" WEST 280.00 FEET; THENCE SOUTH 88°26'14" WEST 82.04 FEET; THENCE NORTH 01°47'01" WEST 628.00 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATE, LYING, AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 435599 SQUARE FEET (10.000 ACRES) MORE OR LESS.

LESS

A portion of Parcel "A", ICE PLAT, according to the plat thereof as recorded in Plat Book 165, Page 21 of the Public Records of Broward County, Florida, being more particularly described as follows:

BEGINNING at the Southerly most, Southeast corner of said Parcel "A";

THENCE North 84°40'15" West on the northerly line of an existing turn lane as dedicated by said ICE PLAT, a distance of 65.51 feet;

THENCE North 88°26'14" East on a line 12.00 feet North of and parallel with the South line of said ICE PLAT, a distance of 65.00 feet to the intersection with the Easterly line of said Parcel "A";

THENCE South 01°47'01" East on said Easterly line of Parcel "A", a distance of 7.86 feet to the POINT OF BEGINNING;

Said lands lying in the Town of Davie, Broward County, Florida and containing 255 square feet more or less.

EXHIBIT "B"

(Page 5 of 5)

PARCEL A-3 Contd.

AND LESS

A portion of Parcel A, ICE PLAT, according to the plat thereof as recorded in Plat Book 165, Page 21 of the Public Records of Broward County, Florida, being more particularly described as follows:

COMMENCE at the East one-quarter (E ¼) corner of Section 26, Township 50 South, Range 40 East;

THENCE South 89°43'56" West on the South line of the Northeast one-quarter (NE ¼) of said Section 26, a distance of 320.04 feet to the POINT OF BEGINNING;

THENCE South 01°47'20" East 125.83 feet;

THENCE South 06°11'48" West 2.30 feet;

THENCE South 88°12'40" West 87.12 feet to the beginning of a tangent curve concave to the South;

THENCE Westerly on the arc of said curve having a radius of 205.00 feet, through a central angle of 32°41'44" an arc distance of 116.98 feet to a point of tangency;

THENCE South 55°30'56" West 86.60 feet;

THENCE North 01°47'01" West 593.35 feet to the intersection with the North line of said Parcel A, ICE PLAT;

THENCE North 88°26'14" East on said North line of Parcel A, ICE PLAT, a distance of 271.00 feet;

THENCE South 01°47'20" East 384.91 feet to the POINT OF BEGINNING.

Said lands lying in the Town of Davie, Broward County, Florida and containing 144415 square feet (3.315 acres) more or less.

98-400621

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ICE PLAT

1. THE ICE PLAT IS A MARKING SOLUTION FOR THE IDENTIFICATION OF ICE PLATS.

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098-MP-95

100 E Douglas Road
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(902) 438-7000
Fax (902) 438-0564

RESIDENTIAL
1 DU/AC

SW 124 AVE

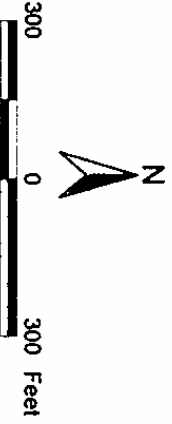
SUBJECT SITE

COMMERCIAL

ORANGE DR.

GRIFFIN RD.

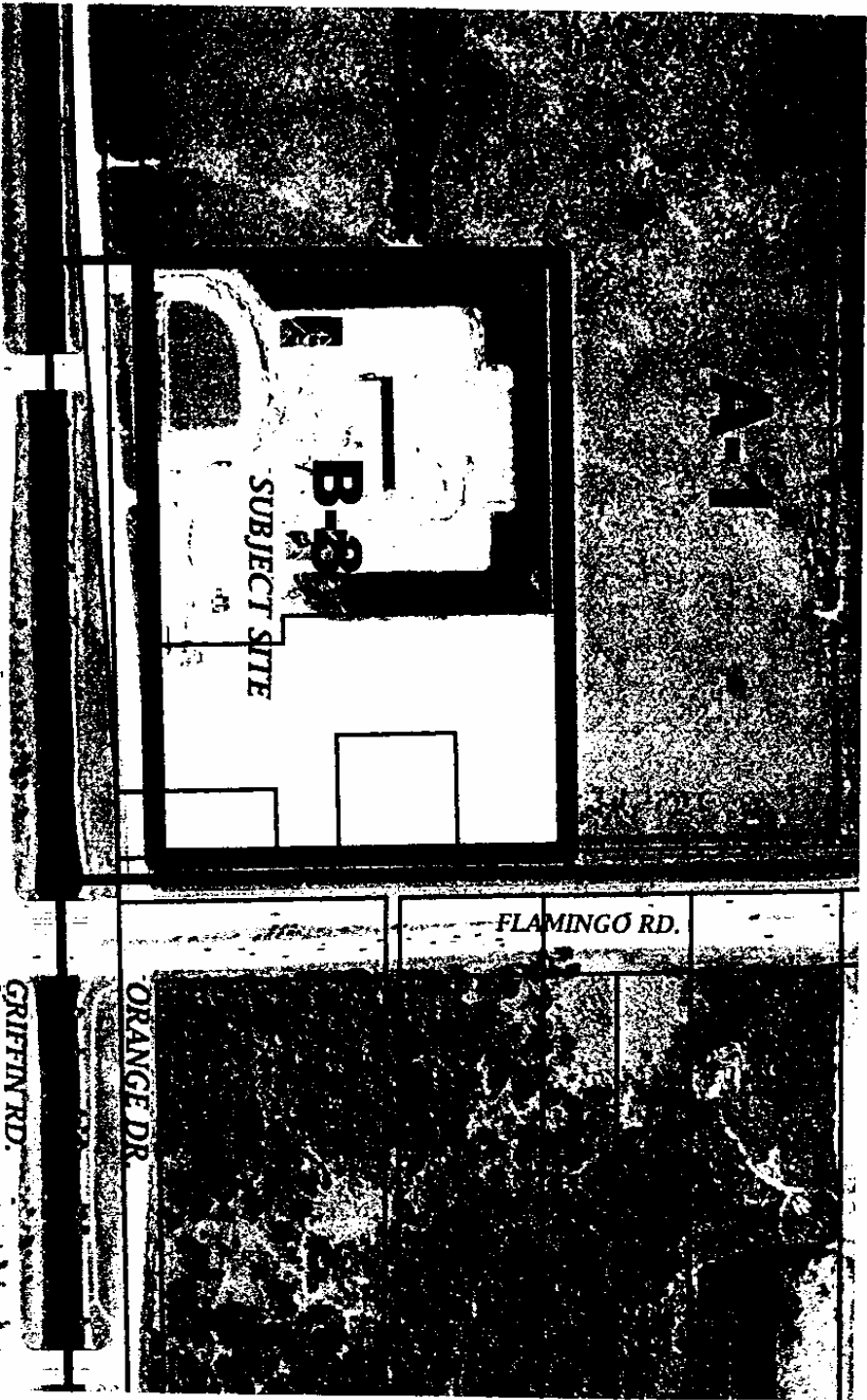
RECREATION/OPEN SPACE



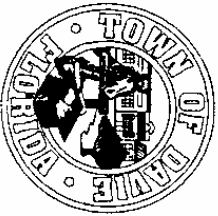
Planning & Zoning Division - GIS



Delegation Request
DG 8-1-02
FUTURE LAND USE MAP



Planning & Zoning Division - GIS



Delegation Request
DG 8-1-02
Subject Site Map